

REMARKS

In the Office Action dated May 29, 2003, the Examiner rejected claims 11-20 of the present application under 35 U.S.C. § 103(a) as being unpatentable over Kowols (U.S. Patent No. 4,490,727) in view of Tanizaki et al. (U.S. Patent No. 6,268,833). In response, Applicants respectfully submit that the combination of the cited references do not, in fact, render the present invention obvious for the following reasons.

To summarize, the Examiner stated that the Kowols reference disclosed a rod antenna (16) and a movable hollow dielectric body, but merely disclosed manual adjustment of the dielectric body instead of the claimed adjusting part, detection part and control device. However, the Examiner thereafter reasoned that the Tanizaki reference disclosed adjusting the overlap position of a dielectric body (Fig. 3, no. 11) by using a position sensor as its detection part, a stepping motor unit as an adjusting part, and a control device to obtain an improved radiation pattern from an antenna element (columns 1 and 2).

First of all, and most importantly, the Tanizaki reference does not teach or suggest, nor even contemplate, "a control device connected to the detection part for controlling the adjusting part, via at least one control signal as a function of the at least one physical variable ... which represents the function of the transmission and reception quality of the radio transmitting and receiving device." Indeed, the Tanizaki reference merely teaches that the basic position of a dielectric lens may be detected and changed "to adjust the beam of an antenna." Applicants respectfully submit that the Tanizaki reference actually teaches away from the claimed invention since the associated dielectric body in Tanizaki, which is placed near the radiation part, is moved in the same way as the radiation part; i.e., the two elements are "fixed." As such, Applicants respectfully submit that there is no true relative motion between these elements given that the extent of "overlap" between such elements is always constant. More specifically, Tanizaki clearly does not teach or suggest controlling the degree of overlap based upon a variable which, as in the claimed invention, represents a function of the transmission and reception quality of the radio transmitting and receiving device.

Above and beyond this, Applicants respectfully submit that, while the Kowols reference is directed to frequency adjustment (see, for example, column 1, first paragraph), the goal of Tanizaki is to detect and adjust the beam of an antenna (see, for example, Abstract). Thus, for

this additional reason, Applicants respectfully submit that one of ordinary skill in this field of art would not be inclined to combine the teachings of Kowols and Tanizaki so as to somehow arrive at the claimed invention.

In light of the above, Applicants respectfully submit that claims 11-20 of the present application, as presently proposed, are not taught or suggested by the cited prior art, and should be deemed patentable with respect thereto. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

It is further acknowledged that a three-month extension of time is due in connection with this Amendment. However, if any additional fees are due in connection with this application as a whole, the Examiner is authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the attorney docket number (0112740-551) on the account statement.

Respectfully submitted,

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